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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/994,479	01/30/2001	GUNTHER SCHIMMEL	HOE96/HO15J	6673
7590	12/14/2006		EXAMINER	
CLARIANT CORPORATION INDUSTRIAL PROPERTY DEPARTMENT 4331 CHESAPEAKE DRIVE CHARLOTTE, NC 28216			BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	08/994,479	SCHIMMEL ET AL.
	Examiner Charles I. Boyer	Art Unit 1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 and 23-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/05/98</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to applicants' amendment and response received September 28, 2006. Claims 1-16 and 23-27 are currently pending.

Information Disclosure Statement

1. The information disclosure statement filed September 19, 2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The Hungarian Search Report contains foreign references which were not made available to the examiner. In particular, the examiner was not able to obtain a copy of WO92/003525.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

2. The rejection of claims 1-6, 8-16, 23, 25, and 26 under 35 U.S.C. 102(e) as being anticipated by Wilkinson, US 5,736,502 is withdrawn in view of applicants' amendment and response.

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3. The rejection of claims 1-7, 10, 23, 24, 26, and 27 under 35 U.S.C. 102(e) as being anticipated by Goldstein, US 5,663,133 is withdrawn in view of applicants' amendment and response.

4. The rejection of claims 1-16 and 23-27 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baillely et al, US 5,773,400 is withdrawn in view of applicants' amendment and response.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson, US 5,736,502.

Wilkinson teaches granular detergent compositions prepared by mixing 2.4% polyacrylate in solution with a spray-dried detergent powder (col. 11, example 3). It appears the polyacrylate is acting as a binder in this example. Preferred components of the spray-dried detergent include sodium silicate (col. 10, example 2). Note that both of these examples ultimately contain a mixture of polyacrylate and silicate. The reference does not specifically teach a reaction product of polyacrylate and silicate, however, as silicate is a preferred spray-dried builder of the invention, and polyacrylate is a preferred

liquid binder, it would have been obvious to one of ordinary skill in the art to combine a silicate builder and polyacrylate binder and so render obvious the claims at hand. The examiner acknowledges that the combination of builder and binder contemplated by the reference may not be the same reaction product envisioned by applicants in their invention. However, as the present claims only require depositing the polycarboxylate onto the silicate, the examiner maintains that once the builder/binder combination of the reference takes place, at least some binder will certainly be deposited on the builder and so these claim limitations are satisfied.

7. Claims 1-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goldstein, US 5,663,133.

8. Goldstein teaches an automatic dishwashing detergent comprising 17% silicate, and 6% polyacrylate polymer as well as surfactants, bleaches, and builders (col. 26, example III). The polyacrylates of the invention are preferred liquid binders that are added separately from the particulates when forming the agglomerates of the invention (col. 10, lines 13-17). Based on this clear teaching, one of ordinary skill in the art would be motivated to add the polyacrylate of example III as a liquid binder when forming the agglomerate. Such an addition would result in the deposition of polyacrylate onto the particulates, i.e. silicate, thus satisfying the claim limitations at hand.

9. Claims 1-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baillely et al, US 5,540,855.

Baillely et al teach granular laundry detergents comprising 3.5% silicate, and 5% acrylate/maleate copolymer as well as surfactants, bleaches, and builders (col. 21, example 2A). The acrylate/maleate copolymer of the invention are preferred liquid binders that are added separately from the particulates when forming the solid detergent of the invention (col. 24, claim 6). Based on this clear teaching, one of ordinary skill in the art would be motivated to add the acrylate/maleate copolymer of example 2A as a liquid binder when forming the solid detergent. Such an addition would result in the deposition of acrylate/maleate copolymer onto the particulates, i.e. silicate, thus satisfying the claim limitations at hand.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Charles I Boyer
Primary Examiner
Art Unit 1751